



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/04/2021

WEB COPY

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.5534 of 2021

Rajprabhu ... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
All Woman Police Station,
Uthamapalayam,
Theni District.
(Crime No.3 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Ramasamy.S.,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

PETITION FOR **ANTICIPATORY BAIL** Under Sec.438 of Cr.P.C

PRAYER :-

To Anticipatory Bail in Cr.No.3 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498 (A), 294 (b) and 506 (i) of IPC in Crime No.3 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent police.

3. It is seen from the submissions that the marriage between the first accused and the defacto complainant was solemnized on 04.03.2015 and thereafter the petitioner and other accused started demanding more dowry and harassed her. When the defacto complainant's new born daughter suffered problems in her heart and lungs, the petitioner and other accused have not taken any steps for



giving treatment. Further the petitioner and other accused started harassing the defacto complainant and not permitting her to join with her husband and thereafter she was mentally and physically harassed, due to which she left the matrimonial home during the month of May. 2018, thereafter this complaint came to be filed on 30.03.2021. Hence the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail. He would further submit that the co-accused have been granted anticipatory bail in Crl.O.P.(MD)No.5618 of 2021 dated 20.04.2021.

5.The learned Government Advocate (criminal side), on instructions, concedes that the co-accused have been granted anticipatory bail and submits that this is a matrimonial dispute and the investigation is still pending.

6.Considering the facts and circumstances of the case, the fact that the co-accused have been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that,

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b)the petitioner shall report before the Tambaram Police Station, Chennai, daily, at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions



have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/04/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
UTHAMAPALAYAM, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION, CHENNAI.

ORDER
IN
CRL OP(MD) No.5534 of 2021
Date : 30/04/2021

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JM/VR/SAR I/07.05.2021/3P/6C